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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/088,196 | 06/13/2002 | Yoichiro Sako | | 1498 |

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| EXAMINER | |
|---|---|
| AGUSTIN, PETER VINCENT | |
| **ART UNIT** | **PAPER NUMBER** |
| 2652 | |

DATE MAILED: 12/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/088,196 | SAKO, YOICHIRO | |
| | Examiner | Art Unit | |
| | P. Agustin | 2652 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *26 September 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *14-25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *14-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

## DETAILED ACTION

1. Claims 14-25 are now pending.

### *Continued Examination Under 37 CFR 1.114*

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 6, 2005 has been entered.

### *Claim Objections*

3. Claim 20 is objected to because of the following informalities:

Claim 20, line 3: "comprises;" should be --comprises:--.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 14-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Sako et al. (WO00334947 published June 15, 2000; please refer to EP 1076332 A1 for English language full text).

In regard to claim 14, Sako et al. disclose a method for reproducing data from a recording medium (please refer to abstract) having recorded thereon first data ("first data of upper 16

bits"), second data ("second data of lower 4 bits"), or both the first data and the second data, and content data (paragraph 0042: "disc identification data ID and the copy identification data IC") representing contents of the first data, the first data recorded in a form of a track consisting of a plurality of pits, the second data recorded by displacing the pits from the track in a direction normal to the track (abstract: "displacement in the right/left direction" and "deviated pit"), and the content data including identification data (ID) that indicates whether the second data is recorded on the recording medium (see paragraph 0025: "disk identification data ID showing that the data D2L for quality improvement has been recorded"), wherein the content data further includes reproduction-mode identification data (ID) representing a reproduction mode of reproducing the first data and the second data (e.g., a first reproduction mode for reproducing both the first and second data, if the second data is recorded; and a second reproduction mode for reproducing only the first data, if no second data is recorded), the method comprising the steps of: determining a type of the recording medium from the identification data (ID) read from the recording medium (e.g., a first type having both first and second data; and a second type having only first data); and reproducing the first data and the second data read from the recording medium in accordance with the reproduction mode identification data, when the second data is recorded on the recording medium (see paragraph 0025: "the audio data DA which was separated into upper 16 bits and lower 4 bits and processed can be reproduced on the basis of a detection result of the disc identification data ID").

In regard to claim 15, Sako et al. disclose that the reproduction-mode identification data (ID) represents a first reproduction mode for reproducing a signal by performing an operation on

the first data and on the second data, and a second reproduction mode for reproducing the first data or the second data, or both the first data and the second data (as noted in claim 14 above).

In regard to claim 16, Sako et al. disclose that when the reproduction-mode identification data (ID) represents the first reproduction mode, an operation is performed on two data items obtained by reproducing the first data and the second data, both read from the recording medium (see paragraph 0025: "the audio data DA which was separated into upper 16 bits and lower 4 bits and processed can be reproduced on the basis of a detection result of the disc identification data ID").

In regard to claim 17, Sako et al. disclose that when the reproduction-mode identification data (ID) represents the second reproduction mode, either a first data item obtained by reproducing the first data or a second data item obtained by reproducing the second data is output (paragraph 0025: in a case when the data D2L is not recorded, only the first data is reproduced).

In regard to claim 18, Sako et al. disclose that the first data read from the recording medium is reproduced and output when the second data is not recorded on the recording medium (paragraph 0025: in a case when the data D2L is not recorded, only the first data is reproduced).

In regard to claim 19, Sako et al. disclose an apparatus (Figure 3) for reproducing data from a recording medium (21) having recorded thereon first data (abstract: "first data of upper 16 bits") or second data (abstract: "second data of lower 4 bits"), or both the first data and the second data, and content data (paragraph 0042: "disc identification data ID and the copy identification data IC") representing contents of the first data, the first data recorded in a form of a track consisting of a plurality of pits, the second data recorded by displacing the pits from the track in a direction normal to the track (abstract: "displacement in the right/left direction" and

"deviated pit"), and the content data including identification data (ID) that indicates whether the second data is recorded on the recording medium (see paragraph 0025: "disk identification data ID showing that the data D2L for quality improvement has been recorded"), and reproduction-mode identification data (ID) that represents a mode for reproducing the second data (e.g., a first reproduction mode for reproducing both the first and second data, if the second data is recorded), said apparatus comprising: a head section (23) configured to apply a laser beam to scan the recording medium; a signal-reproducing section (24, 25, 26, 28, 29, 30, 31 & 33) configured to reproduce a signal read from the recording medium by the head section; and a control section (inherent structure that performs the method steps of claim 14) configured to determine a type of the recording medium from the reproduction-mode identification data read from the recording medium and to cause the signal-reproducing section to reproduce the first data and the second data, both read from the recording medium, in accordance with the reproduction mode identification data selected, when the identification data represents that the second data is recorded on the recording medium (see paragraph 0025: "the audio data DA which was separated into upper 16 bits and lower 4 bits and processed can be reproduced on the basis of a detection result of the disc identification data ID").

In regard to claim 20, Sako et al. disclose that the signal-reproducing section comprises: a first signal-processing section (26 & 29) configured to perform at least demodulation in a signal output from the head section, a second signal-processing section (28, 30 & 31) configured to perform at least demodulation on a component of the signal output from the head section, which corresponds to the displacement of pits from the track in a direction normal to the track, and a

mixing section (33) configured to mix the data output from the first signal-processing section and the data output from the second signal-processing section.

In regard to claim 21, Sako et al. disclose a switching circuit (36) which is controlled by the control section for selecting the data output from the first signal-processing section or data output from the mixing section.

In regard to claim 22, Sako et al. disclose that the control section further controls the switching circuit to select the data output from the mixing section when the reproduction-mode identification data read from the recording medium by the head section represents a reproduction mode in which a signal is reproduced by performing an operation on the first data and on the second data (see paragraphs 0046 & 0047).

In regard to claim 23, Sako et al. disclose that the control section further controls the switching circuit to select the data output from the first signal-processing section when the reproduction-mode identification data read from the recording medium by the head section represents a reproduction mode in which the first data or the second data, or both the first data and the second data are reproduced (see paragraphs 0049 & 0050).

In regard to claim 24, Sako et al. disclose a switching circuit (25) configured to supply the second signal-processing section with a component of a signal in accordance with a control signal supplied from the control section, said component of the signal being one corresponding to the displacement of the pits from the track in the direction normal to the track.

In regard to claim 25, Sako et al. disclose that the control section outputs data output from the signal-reproducing section and corresponding to the first data read from the recording medium, when the identification data read from the recording medium by the head section

indicates that the second data is found not to be recorded on the recording medium (paragraph 0025: in a case when the data D2L is not recorded, only the first data is reproduced).

***Response to Arguments***

6. Applicant's arguments filed September 6, 2005 have been fully considered but they are not persuasive.

The Applicant argues on page 9 that Sako et al. do not teach or suggest that the content data includes reproduction-mode identification data representing a reproduction mode of reproducing the first data and the second data. The Examiner disagrees. Paragraph 0025 of Sako et al. teach a "disk identification data ID showing that the data D2L for quality improvement has been recorded", which is now read to correspond to the claimed reproduction-mode identification data representing a reproduction mode of reproducing the first data and the second data, e.g., a first reproduction mode for reproducing both the first and second data, if the second data is recorded; and a second reproduction mode for reproducing only the first data, if no second data is recorded.

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to P. Agustin whose telephone number is 571-272-7567. The examiner can normally be reached on Monday-Friday 9:30-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, A. L. Wellington can be reached on 571-272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

P. Agustin
Art Unit 2652

BRIAN E. MILLER
PRIMARY EXAMINER